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Murder-for-Hire Charges Against Smart Dropped

Indictments Alleged She Tried To Have Cecelia Pierce Killed

By PAT GROSSMITH
Union Leader Staff

Three felony charges pending against Pamela Smart, convicted last month of plotting and helping three teenagers carry out the murder of her husband, were dropped yesterday by the state.

"Pamela Smart has already been sentenced to spend the rest of her life in jail," New Hampshire Attorney General John P. Arnold said yesterday in a press release. "To pursue these charges in Hillsborough County would serve no useful purpose at this time."

Smart, 23, was charged in January

by a Hillsborough County Superior Court Grand Jury with asking Marianne Moses, a fellow inmate at the New Hampshire State Prison for Women in Goffstown, to help find someone kill Cecelia Pierce.

Pierce, 16, who was Smart's confidante and intern at SAU 21 in Hampton, cooperated with police last summer by having a telephone tapped, wearing a body wire and recording incriminating statements by Smart concerning the murder of her husband, Gregory, 24, May 1 in their Derry townhouse.

It was those tapes and Smart's statements on them, according to a few

of the jurors, that helped convince them of the former SAU 21 media director's guilt of being an accomplice to first-degree murder, conspiracy to commit murder and witness tampering.

Smart is already serving life without parole on the accomplice-to-murder charge. On May 6, Gray will sentence her on the conspiracy-to-commit-murder and witness-tampering charges.

"It just seems we could better serve the public by using our resources in more pressing criminal matters," said Assistant Attorney General Paul Maggiotto, who with

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PAMELA SMART

CHARGES DROPPED

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Assistant Attorney General Diane Nicolosi prosecuted Smart on the murder-related charges, of the decision to drop the felony charges.

"Naturally, we're pleased," said Defense Attorney Mark Sisti. "It's always nice to see major felony cases dropped."

The Union Leader was unable to reach Cecelia Pierce, her mother, Cecelia Eaton, or Gregory Smart's parents, William and Judith Smart, for comment. Pierce, her mother and the Smarts appeared live yesterday afternoon on the Phil Donohue show.

Smart was scheduled to appear tomorrow in Hillsborough County Superior Court at a pre-trial hearing to quash the indictments charging her with asking Moses to have someone kill Pierce.

Smart was indicted for allegedly attempting to have Moses assist her in arranging the murder of Cecilia Pierce or prevent Pierce from testifying at the murder trial. Smart was also charged with trying to induce Moses' son, George Moses, to lie for her at the murder trial.

Moses, 38, of Newmarket, is serving two concurrent 2-to-4-year sentences after she pleaded guilty on July 16 in Rockingham County Superior Court to four counts of welfare fraud involving \$44,810.

Sisti said he and co-counsel Paul J. Twomey were prepared to go forward with the trial, which was scheduled for April 17, and were not going to ask for a continuance.

Had it gone to trial, he said, two big issues would have been credibility and integrity of the witnesses.

"At the beginning of that particular series of charges we voiced our opinion of them and that was that they were garbage," Sisti said. "Not only were they garbage, they are garbage as far as the quality of witnesses they have had and they have been calling in this case. I think dropping the charges speak for themselves."

Defense attorneys wanted the indictments dismissed because, they argued, Marianne Moses refused to answer questions during her deposition.

The issue was taken up in a pre-trial hearing in Rockingham County Superior Court during Smart's murder accomplice and conspiracy trial. Gray ordered Moses to answer the questions and, according to Maggiotto, she did.

Moses initially refused to say whom she contacted while to find someone to kill Pierce, said Maggiotto. She answered the question, however, after Gray ordered her to do so. Maggiotto refused to divulge the name of the individual she contacted.

"I'm not going to get into that," said Sisti, when asked who Moses contacted.

The three male teenagers involved in Gregory Smart's murder entered a plea-bargain agreement with the state. In exchange for testifying against Smart, they will receive minimum sentences of from 18 to 28 years.

William Flynn, 17, admitted he shot Gregory Smart in the head while his friend, Patrick "Pete" Randall, 17, held a knife to Smart's throat and another friend, Vance Lattime Jr., 18, drove the getaway car. While they admitted their part in the murder, the teenagers said it was Smart who motivated them to do it.